

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

**STEPHEN P. ARNOT**, Chapter 7  
Trustee,

Plaintiff,

v.

**JOSHUA R. CHENEY; RECON  
TRUST COMPNAY, N.A.; and THE  
BANK OF NEW YORK MELLON,**

Defendants.

No. 3:15-cv-01503-SB

OPINION AND ORDER

**MOSMAN, J.,**

On December 24, 2015, Magistrate Judge Beckerman issued her Findings and Recommendation (F&R) [20], recommending that Plaintiff's Motion for Order Remanding Case to State Court and For Judicial Notice of Procedural Facts [7] should be GRANTED and this case should be REMANDED to the Multnomah County Circuit Court. No objections to the Findings and Recommendation were filed.

**DISCUSSION**


The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a *de novo* determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court

is not required to review, *de novo* or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge Beckerman's recommendation and I ADOPT the F&R [20] as my own opinion. All pending motions are DENIED AS MOOT.

IT IS SO ORDERED.

DATED this 26 day of January, 2016.

  
MICHAEL W. MOSMAN  
United States District Judge